

REMARKS/ARGUMENTS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449, for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document, and for the Examiner's acknowledgement that the drawings are acceptable, in the Official Action.

Applicants also acknowledge with appreciation the indication that claims 15 and 28 contain allowable subject matter, on Page 7 of the Official Action.

Upon entry of the above amendments, claims 1-28 will have been amended and claims 29-32 will have been added. Claims 1-32 are currently pending. Applicants respectfully request reconsideration of the outstanding objection and rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has objected to the Abstract of the Disclosure without specifically indicating the reason for the objection. In this regard, Applicants note that the previous Abstract contained more than the suggested 150 words. Accordingly, Applicants have amended the Abstract to conform to the suggested length (i.e., within the range of 50 to 150 words). Therefore, the objection to the Specification is believed to be moot and should be withdrawn.

In the Official Action, the Examiner rejected claims 1-7, 9, 10, 13, 14, 16-20, 22, 23, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over CERNY (U.S. Patent No. 4,860,890) in view of MALPASS (U.S. Patent No. 4,693,371).

Without acquiescing to the propriety of the Examiner's rejection, Applicants have amended claims 1 and 2 solely in order to more clearly recite the presently claimed invention and to expedite prosecution of the present application.

In this regard, Applicants notes that CERNY and MALPASS, alone or in any properly reasoned combination, fail to disclose the combination of features recited in claim 1.

In particular, claim 1 sets forth an article packaging body including, inter alia, a gripping plate which extends from either one of the article containing plate and the cover plate, the gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, the grips configured to be individually separable from each other, the gripping plate configured to be folded onto the article containing plate such that the articles are received in corresponding recesses.

Applicants submit that CERNY and MALPASS, alone or in any properly reasoned combination, lack disclosure of at least the above-noted combination of elements.

In setting forth the rejection, the Examiner asserts that CERNY discloses the general structure of an article packaging body including, inter alia, an article containing part, a cover plate part, and a plurality of gripping pieces holding an article at a tip end (see, the annotated figure on Page 4 of the Official Action).

However, the Examiner acknowledges that CERNY does not disclose the presently claimed recesses. Nevertheless, the Examiner takes the position that it would have been obvious to one of ordinary skill in the art to supply the acknowledged deficiencies of CERNY with the purported teachings of MALPASS.

However, contrary to the Examiner's assertions, Applicants submit that the recesses of MALPASS are structurally very different from the recesses of the presently claimed invention.

In particular, MALPASS discloses a plurality of compartments 15 arranged in rows and columns (see, Figure 1), with each compartment 15 being separated from the others by dividers 11. In this regard, modifying CERNY with the teachings of MALPASS, as suggested by the Examiner, would appear to result in an inoperable device.

That is, the dividers 11 (as taught MALPASS) which protrude upwardly would appear to interfere with the flat handles 10 (i.e., holding the batteries 24, as disclosed in CERNY), thereby preventing the batteries (disposed at one end of the handles) from being positioned properly within the compartments. More particularly, if CERNY was modified as suggested by the Examiner, to include the compartments (as disclosed in MALPASS); it is not clear that the device would be capable of closing. In other words, the Examiner's proposed combination would result in an inoperable device (i.e., the match-book configuration of CERNY would be destroyed).

Additionally, in view of the match-book configuration of the battery holder of CERNY, Applicants submit that there is no need for the dividers of MALPASS, as suggested by the Examiner.

Further, Applicants submit that the disclosure of CERNY pertains to a battery holder for storing small batteries on individually moveable handles and facilitates inserting them into small electrical devices. In direct contrast to CERNY, the disclosure of MALPASS pertains to an apparatus for containing and sorting medications in a predetermined manner. In other words, there would be no reason to provide the device of CERNY, which already has the batteries provided at a distal end, with the sorting recesses of MALPASS. That is, there is no need to sort the batteries because the batteries are already provided on the end of the removable handles 10. Therefore, the devices disclosed in CERNY and MALPASS are non-analogous art. Thus, the

Examiner has not presented proper reasoning for the proposed modification; and the only reason to combine the teachings of the applied prior art results from a review of Applicants disclosure and the application of improper and impermissible hindsight.

Further, Applicants submit that independent claim 2, is generally somewhat similar to independent claim 1 in that it recites, inter alia, gripping plates extending from corresponding article containing plate and corresponding cover plate, each gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, the grips configured to be individually separable from each other, and the gripping plates configured to be folded onto the corresponding article containing plate and corresponding cover plate such that the articles are received in corresponding recesses

Accordingly, claim 2 is also allowable over the prior art of record generally and at least for all the reasons discussed supra.

In the Official Action, the Examiner also rejected claims 8, 11, 12, 21, 24 and 25 under 5 U.S.C. § 103(a) as being unpatentable over CERNY and MALPASS, and further in view of CASANOVA (U.S. Patent No. 6,364,115).

In setting forth the rejection, the Examiner asserts that it would have been obvious to modify CERNY and MALPASS to include convex and concave portions, as purportedly disclosed in CASANOVA.

Applicants respectfully traverse the above noted rejections of these claims under 35 U.S.C. § 103(a).

Applicants submit that dependent claims 8, 11, 12, 21, 24 and 25 are at least patentable due to their respective dependencies from claims 1 and 2 for reasons discussed supra.

In this regard, Applicants note that the Examiner has provided no proper reasoning for supplying the above-noted deficiencies in the teachings of CERNY and MALPASS. Applicants further submit that CASANOVA does not provide any teachings which could reasonably be characterized as curing the above-noted deficiencies in the teachings of CERNY and MALPASS.

More specifically, Applicants submits that CASANOVA does not disclose at least the presently claimed gripping plate configured to be folded onto the article containing plate such that the articles are received in corresponding recesses, as generally recited in independent claims 1 and 2.

In view of the arguments herein, Applicants submit that independent claims 1 and 2 are in condition for allowance. With regard to dependent claims 3-28, as well as newly added dependent claims 29-32, Applicants assert that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1 and 2, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in any proper combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

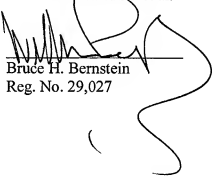
Applicants note that this amendment is being made merely to more clearly recite the presently claimed invention and to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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